

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/510429

PCT/FR2003/001065



510,429

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001065	International filing date (day/month/year) 04 avril 2003 (04.04.2003)	Priority date (day/month/year) 08 avril 2002 (08.04.2002)
International Patent Classification (IPC) or national classification and IPC G05B 23/02		
Applicant FRANCE TELECOM		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 15 octobre 2003 (15.10.2003)	Date of completion of this report 12 November 2003 (12.11.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/001065

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-29, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-32, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1/3-3/3, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-32	YES
	Claims		NO
Inventive step (IS)	Claims	1-32	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-32	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: WO-A-97 15009.

2. Document D1 is considered to be the closest prior art.

2.1 Document D1 describes a method for diagnosing equipment to be inspected, wherein a communication module associated with said equipment to be inspected collects operating data therefor and retransmits said data to a remote server, which carries out a diagnosis based on the operating data received.

The subject matter of claim 1 differs from this prior art essentially in that the method includes the following steps:

- an intermediate server determines which server from a plurality of specialised assistance servers is suited to the equipment and connects

- said communication module to the specialised assistance server suited to said equipment; and
- said communication module transmits the equipment operating data to said specialised assistance server, which carries out the diagnostic.

These differences enable the range of the equipment that can be diagnosed to be increased.

There is nothing in document D1 or the other available documents that would suggest the addition of an intermediate server for selecting a server suited to the equipment, from a plurality of specialised assistance servers. It follows that the subject matter of claim 1 is novel and involves an inventive step (PCT Article 33(2) and 33(3)).

2.2 The system for diagnosing equipment as per claim 16 corresponds substantially to the method as per claim 1. As a result, the subject matter of said claim is novel and involves an inventive step for the same reasons.

2.3 Apparatus claims 21, 28 and 32 relate, respectively, to a server, a module and a black-box server for implementing the method of claim 1 or 15. These claims lack clarity owing to the mixture of method and apparatus features. If said claims were clarified so that they clearly defined distinctive features corresponding to all of the differences set out above, they could be considered to be patentable.

2.4 Dependent claims 2-15, 17-20, 22-27 and 29-31 are patentable under the same conditions as the

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independent claims on which they are dependent.